United Nations A/C.6/52/SR.29

General Assembly
Fifty-second session

Official Records

Distr.: General
20 February 1998
English
Original: Spanish

Sixth Committee

Summary record of the 29th meeting
Held at Headquarters, New York, on Friday, 14 November 1997, at 10 a.m.

Chairman: Mr. Tomka ..... (Slovakia)

Contents

Agenda item 152: Measures to eliminate international terrorism *(continued)*

Agenda item 155: Amendment to article 13 of the statute of the United Nations Administrative Tribunal *(continued)*

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

97-82814 (E)

The meeting was called to order at 10.15 a.m.

Agenda item 152: Measures to eliminate international terrorism (*continued*) (A/52/37, A/52/304 and Add.1 and Corr.1; A/C.6/52/L.3)

1. **Mr. Wehbe** (Syrian Arab Republic) said that his country condemned all terrorist acts and practices, which caused not only the death of innocent persons but also huge material damage and undermined the sovereignty and territorial integrity of States. His delegation appealed to States to establish genuine cooperation within the framework of international legitimacy in order to combat terrorism and eliminate its causes. Additionally, acceptable criteria must be established at the international level with a view to arriving at a clear definition of what constituted terrorist acts and differentiating them from the legitimate struggle against foreign occupation.

2. Major strides had been made in the elaboration of the draft international convention for the suppression of terrorist bombings (A/52/37 and A/C.6/52/L.3), and every effort should be made to complete work on that instrument at the earliest possible date. In that connection, the proposals made by various delegations concerning draft articles must be taken into account. An international convention of that kind should not contain a provision concerning the military, since that would amount to legitimizing State terrorism, one of the most aberrant types of terrorism, which was manifested by acts of violence against innocent civilian populations subjected to occupation, the use of military force against them, the destruction of their homes and attacks on their houses of worship and religious symbols.

3. There had not been sufficient time to study that question or other fundamental proposals put forward by a number of delegations, including his own. Such essential issues as the title of the convention, its object and scope, and the definition of terrorism had therefore remained undecided: it must be borne in mind that it was the first time that the word "terrorism" appeared in an international convention of the United Nations. The lack of a definition for that term in the text would make it impossible to arrive at a consensus on a convention whose provisions could be applied without ambiguity, and without giving rise to selectivity or double interpretations.

4. He expressed concern that the draft convention did not stress the right of peoples to struggle against occupation, a right guaranteed by the Charter of the United Nations, international law and international humanitarian law, *inter alia*. His delegation reiterated its request that the draft convention should be carefully elaborated in order to ensure the broadest possible accession by States.

5. Terrorism was an ever-increasing danger for the international community. A genuine will to call the phenomenon by its name was lacking. That terminological ambiguity was being exploited in order to level hostile and baseless accusations against some States and peoples. Political campaigns were being organized and pressure was being exerted with a view to ensuring the unanimous adoption of resolutions aimed at turning the victim into the aggressor. Unfortunately, in the modern world, values constantly bowed to the pressure of ideological terrorism, a new form of terrorism perpetrated against subjugated peoples in order to convince them to accept the violence of others, which deprived them of their rights and prevented them from protesting and struggling for liberation. The occupiers called that protest and that struggle against them "terrorism".

6. His delegation reaffirmed before the international community that the people of Palestine, which Israel had uprooted from its lands, could not be considered terrorist, as it was defending itself against occupation and such resistance was legitimate; that was also the case of the Lebanese opposition in southern Lebanon, occupied by Israel since 1982. He asked how, other than as terrorist acts, could one characterize the occupation of the Golan since 1967, the establishment of settlements in that region, the practice of every type of injustice and violence against the inhabitants of the Golan and the torture inflicted on those populations. Syria, faithful to its customs, its civilization, its culture and the principles which governed its society, rejected terrorism in all its forms, whether it was perpetrated by an individual or a State, and, in particular, Israeli terrorism in the occupied Arab territories in southern Lebanon and in the occupied Syrian Golan. The measures applied to other States in order to force them to withdraw from occupied territories must be applied to Israel, in accordance with the provisions of the Charter of the United Nations, international law and international humanitarian law.

7. The declaration formulated on the occasion of the fiftieth anniversary of the United Nations reaffirmed the right of peoples to self-determination, making specific reference to the situation of States under colonial rule and other types of foreign occupation, and recognized the right of peoples to take all legitimate measures under the Charter of the United Nations in order to exercise their inalienable right to self-determination. The association of the concept

of terrorism with legitimate resistance against foreign occupation was a way of leading international opinion astray.

8. His delegation trusted that a just and lasting peace would soon be achieved in that region and therefore reaffirmed its support for General Assembly resolution 42/159 on effective cooperation for the struggle against terrorism and resolution 44/29, which reaffirmed the need to hold a conference to define international terrorism.

9. **Mr. Kocetkov** (Bosnia and Herzegovina) said that the Declaration on Measures to Eliminate International Terrorism (General Assembly resolution 49/60, annex) was applicable to the presence and terrorist activities of paramilitary units sent to Bosnia and Herzegovina from the territory of neighbouring countries, primarily Serbia. Those units sowed terror in order to achieve their ultranationalistic aims of destroying the State of Bosnia and Herzegovina through genocide and ethnic cleansing. Numerous reports by representatives of the international community referred to the presence and activities of those units, particularly in the eastern part of Bosnia and Herzegovina, in parts of Sarajevo and in the territory of the Republic of Croatia. With logistical support from State organs and some political organizations in Serbia, those units perpetrated numerous terrorist acts against the civilian population, subjecting it to torture, looting, rape and murder. The perpetrators of those acts, which, moreover, constituted an attack on the independence, territorial integrity and security of Bosnia and Herzegovina and, therefore, a serious violation of the Charter of the United Nations, must be brought to justice.

10. What the Committee was discussing was a new manifestation of international terrorism which affected the civilian population, the international community as a whole and international peace and security. It was therefore essential to evaluate it carefully and identify effective measures for its elimination, within the context of the implementation of the Declaration on Measures to Eliminate International Terrorism. Moreover, a future comprehensive convention on international terrorism should include provisions against the recruitment, use, financing and training of paramilitary units.

11. **Mr. Wilmot** (Ghana) said that practical measures in the fight against international terrorism, including the elaboration of an international convention for the suppression of terrorist bombings, had recently gained prominence. His delegation shared the sentiments embodied in those measures and condemned all acts of terrorism without reserve. Much remained to be done in order to eliminate international terrorism, particularly with regard to cooperation, education, the mobilization of resources and the coordination of the activities of the various United Nations agencies and international organizations devoted to that cause. His delegation noted that, according to section II of the report of the Secretary-General (A/52/304), national and regional cooperation between States in the fight against international terrorism, organized crime and illicit trafficking in drugs and psychotropic substances had increased during the past year.

12. His delegation supported the Declaration on Measures to Eliminate International Terrorism, stressing, in particular, the practical measures contained in paragraph 10 of the Declaration, which provided a solid and well-grounded framework for enhancing international cooperation and intensifying multilateral efforts to eliminate that phenomenon. He commended all Member States and international organizations which had provided information to the Secretary-General on the implementation of the Declaration and stressed the activities carried out in that context by the International Civil Aviation Organization (ICAO), particularly its adoption of Amendment 9 to Annex 17 to the Convention on International Civil Aviation (A/52/304, para. 33). That amendment and the new security provisions were most timely in the light of the events that had recently occurred in the civil aviation sector. The ICAO training programmes for aviation security, particularly for the developing countries, were another laudable activity.

13. His delegation welcomed the activities and training programmes of the United Nations Educational, Scientific and Cultural Organization (UNESCO) within the framework of its transdisciplinary project entitled "Towards a Culture of Peace" (A/52/304, para. 34) and would be grateful if, in future, they were described in detail in the report of the Secretary-General. He urged the Director-General of UNESCO to continue work on preparing a draft declaration on the human right to peace for submission to the General Conference of UNESCO for adoption in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights; one aspect of the proposed declaration would be the rejection of violence in all its forms.

14. Also noteworthy in that regard were the activities of the Crime Prevention and Criminal Justice Division of the Secretariat, particularly its training programmes for law enforcement officers and the provision of interregional advisory services free of charge. As a developing country, Ghana accorded priority to acquiring knowledge of techniques of combating terrorism. Accordingly, it believed that the institutional capacity of developing countries must be strengthened in order to prevent their territories from being used for planning or executing terrorist acts. The Division must expand its focus with regard to high-

technology terrorism and its implications for developing countries and intensify its operations for the dissemination of information on new forms of terrorism, which were more harmful to developing than to developed countries.

15. The various United Nations agencies must coordinate their activities to combat international terrorism in order to avoid unnecessary duplication and reduce costs; for example, UNESCO and the Crime Prevention and Criminal Justice Division should collaborate closely to that end.

16. His delegation found it regrettable that accession to international legal instruments for the prevention and suppression of international terrorism continued to be selective and lopsided. Thus, while accession to legal instruments aimed at combating terrorist acts affecting aircraft and civil aviation continued to increase, only 50 States, including Ghana, had signed the Convention on the Marking of Plastic Explosives for the Purpose of Detection. The information contained in section III of the report of the Secretary-General (A/52/304) clearly reflected the differing degrees of importance which States attached to various conventions. In his delegation's view, terrorism was an evil no matter what form it took; he therefore appealed to States to ratify urgently all international legal instruments aimed at combating it.

17. The provisions of paragraph 2 of the Declaration on Measures to Eliminate International Terrorism, adopted in 1994, meant, in essence, that there could be no justification whatsoever for terrorism — and that included illegal acts aimed at individuals by States. It must also be acknowledged, however, that, in certain cases, terrorists sought to justify their unacceptable behaviour by invoking situations of economic exploitation, political intolerance or social injustice: the amelioration or elimination of those situations could eliminate some of the reasons adduced by terrorists for disrupting the peace and tranquillity of humankind.

18. **Mr. Al-Mulla** (Bahrain) said that his delegation had followed with great interest the deliberations of the working group of the Ad Hoc Committee established by General Assembly resolution 51/210 to elaborate an international convention for the suppression of terrorist bombings.

19. Aware of the seriousness of international terrorism, the General Assembly had adopted a series of resolutions, for example resolution 49/60 of 9 December 1994 containing the Declaration on Measures to Eliminate International Terrorism. Bahrain fully supported the Declaration, in which the States Members of the United Nations had reaffirmed their condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, whenever and by whomever committed, including those which jeopardized the friendly relations among States and peoples and threatened the territorial integrity and security of States.

20. His delegation also supported General Assembly resolution 51/210 of 17 December 1996, which highlighted the need to strengthen cooperation among States and international organizations and entities in order to prevent, combat and eliminate terrorism, emphasized the role of the United Nations and the relevant specialized agencies in the fight against international terrorism, stressed the need to supplement existing legal instruments in order to deal with the problem, and called upon States to intensify the exchange of information on matters relating to terrorism while avoiding the dissemination of inaccurate information.

21. His delegation reaffirmed the need for an international convention for the suppression of terrorist bombings in accordance with the conclusions of the working group. For its part, Bahrain had acceded to the 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft, the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, and the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

22. Bahrain had condemned and rejected terrorism in all international forums and believed that countries should cooperate in combating that scourge, and particularly in implementing the 1994 Declaration on Measures to Eliminate International Terrorism. His delegation called for strengthened cooperation with a view to defining terrorist acts, prosecuting those who committed them, and adopting dissuasive measures to prevent certain terrorist groups from using the territory of other countries, as well as their communications media and civil liberties, in order to undermine the security and stability of those countries.

23. **Mr. Sergiwa** (Libyan Arab Jamahiriya) said that his delegation also condemned all forms of terrorism and that the international community, specifically the United Nations, should do everything possible to suppress it. The Libyan Arab Jamahiriya was ready to cooperate with the United Nations to achieve that objective.

24. Nevertheless, his delegation believed that the international convention for the suppression of terrorist bombings should cover all forms of terrorism, including State terrorism, which was the most dangerous brand of terrorism because it caused more casualties and had more powerful means at its disposal. The Libyan Arab Jamahiriya had been the victim of terrorism perpetrated by great Powers, contrary to international law and the principles of the United Nations. In 1986 it had been the victim of barbaric

aggression by the United States of America. It had been pressured, threatened and deprived of the technology it needed for development. It had been attacked by land and sea; its airspace had been violated and sanctions had been imposed because of the principles which it defended.

25. The Libyan Arab Jamahiriya had supported the relevant United Nations resolutions and had acceded to many of the international conventions pertaining to safety of aircraft and civil aviation, such as those signed in Tokyo, The Hague and Montreal. In addition, its domestic legislation punished terrorist acts very severely.

26. The current draft convention did not define terrorist bombings. He asked whether self-defence and armed struggle in order to achieve liberation from foreign occupation constituted terrorism, and whether military aggression, economic blockade and threats to use nuclear weapons were not also forms of terrorism. An international conference should be convened under the auspices of the United Nations to define international terrorism and adopt neutral and non-discriminatory measures to combat it.

27. The Libyan Arab Jamahiriya took exception to the fact that the draft convention recognized the right of foreign armed forces to intervene in other countries in order to suppress terrorist acts, because such recognition would be tantamount to giving legal endorsement to occupation and the violation of State sovereignty.

28. **Mr. Molomo** (Botswana) endorsed the international call for the elaboration of a legal instrument to suppress terrorism. The frequency of terrorist acts and the failures of domestic legislations to address the problem had demonstrated the importance of the issue, which could potentially jeopardize the achievements of the international community since the ending of the cold war. While terrorism affected some States more than others, there was clearly consensus on the need to elaborate a uniform legal instrument to supplement domestic legislations.

29. In limiting the scope of the provisions of the draft convention, it should not be forgotten that its principal objective was not to protect the wrongdoer. Conversely, if the military activities of States were excluded from the scope of the convention, they would have to be brought under the jurisdiction of some international authority. Botswana was eager for the draft convention to be approved and enter into force, and reiterated its willingness and determination to cooperate in order to ensure that its objectives were fulfilled.

30. **Mr. Gray** (Australia) said that Australia had been a long-time participant in international efforts to counter terrorism and was a party to many of the relevant international conventions. Australia supported the General Assembly resolution of 17 December 1996 on measures to eliminate international terrorism and had participated in meetings of the Ad Hoc Committee and the working group responsible for elaborating an international convention for the suppression of terrorist bombings, which would contribute significantly to the fight against terrorism. If it entered into force on time, it would assist Australia in planning and enacting security arrangements for the Sydney Olympic Games.

31. Australia had not confined itself to participating in the drafting of the convention; it had also taken steps to promote adherence to the major international anti-terrorism conventions in South East Asia and the South Pacific by organizing prevention courses and seminars, providing model counter-terrorism legislation to interested countries, and informing regional neighbours of progress in the working group. His delegation urged States to support activities of that kind in their regions and to become parties to the major international conventions pertaining to terrorism.

32. The Ad Hoc Committee had also been assigned the task of elaborating an international convention for the suppression of acts of nuclear terrorism and addressing means of further developing a comprehensive legal framework of conventions dealing with international terrorism. Australia was keen to see the Ad Hoc Committee continue its work in March 1998 and would be interested in collaborating with other States in making a preliminary assessment of how such a legal framework might be further developed.

33. **Mr. Tabone** (Malta) said that Malta firmly believed in preventive diplomacy, confidence-building and cooperative security and unequivocally condemned all forms of terrorism, originating from whatever source and under any pretext whatsoever.

34. Under the Charter of the United Nations and other international instruments, States were obliged to refrain from organizing, abetting or participating in terrorist acts in the territories of other States or from encouraging activities directed towards the commission of such acts, including allowing the use of their national territory for planning and training for that purpose. Furthermore, the taking of hostages, wherever and by whoever committed, was also unjustifiable and Malta would take all necessary measures to prevent, combat and punish such acts.

35. Malta had associated itself with the final communiqué on terrorism issued at the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-

Aligned Countries, which had been held during the fifty-second session of the General Assembly. In the Council of Europe, Malta had also associated itself with the Final Declaration of the Second Summit of Heads of State, which had been held in Strasbourg from 10-11 October 1997 and at which the participating States had asserted their determination to make full use of existing machinery to combat terrorism in all its manifestations, while ensuring respect for legality and human rights, and had also called for the adoption of further measures to prevent terrorism and to strengthen international cooperation to that end.

36. His delegation supported the use of sanctions by the United Nations, imposed appropriately and for the minimum period of time possible, in order to guarantee international peace and contain terrorism. Such sanctions had their rightful place in international law and should be rigorously observed, while at the same time minimizing as much as possible their impact on the population.

37. Malta had begun to examine the remaining existing treaties relating to international terrorism with the intention of acceding in the shortest possible time to those to which it had not yet acceded.

38. Malta's new European policy focused on the negotiation of bilateral agreements on cooperation and reciprocal assistance in a number of areas of common interest, including security. Terrorism was funded for the most part from illicit activities and Malta was exploring possible forms of cooperation with the European Union, possibly through a regular mechanism for consultation and coordination leading to the exchange of information on terrorism, drug trafficking, organized crime, illegal migration, money laundering and other security threats.

39. Finally, he hoped that the efforts of the Ad Hoc Committee on International Terrorism and of the Working Group would bear fruit and that a compromise solution to the pending obstacles would be achieved as early as possible.

40. **Mr. Tiwari** (India) said that, as the Prime Minister of India had stressed in the general debate during the current session, terrorism was a global menace which threatened international peace and to which democracies were particularly vulnerable. It was the antithesis of the ideals of the Charter of the United Nations and of human rights and concerted global action was needed to root it out.

41. The Declaration on Measures to Eliminate International Terrorism had been the first comprehensive standard-setting legal instrument at the international level which unequivocally condemned terrorism and declared that there was no justification whatsoever for terrorist acts. The standards set in the Declaration would be relevant as long as some States and groups continued to sponsor, finance and provide arms to terrorists. It was therefore necessary to ensure effective follow-up to the Declaration.

42. The report of the Secretary-General entitled "Measures to eliminate international terrorism" (A/52/304) was the continuation of an earlier report of the Secretary-General (A/51/336), which had made a significant contribution to the global approach to the fight against terrorism. Sectoral efforts did not adequately meet the global threat of terrorism. India therefore supported the establishment of a comprehensive legal framework for the elimination of terrorism in all its aspects.

43. His delegation supported the threefold task which had been assigned to the Ad Hoc Committee to ensure agreement on a comprehensive convention against international terrorism. It was imperative for that task to be accomplished without any interruption.

44. He welcomed the initiative taken by the Group of Seven and the Russian Federation at their meeting in Paris to present the draft text of a convention against terrorist bombings. The Ad Hoc Committee and the Working Group had made significant progress on the draft. The only outstanding issue was article 3, relating to the non-applicability of the convention to the activities of the military forces of a State.

45. India strongly favoured the adoption of such an international convention during the current session and therefore urged all those directly involved in the matter to resolve the outstanding issue in a spirit of accommodation and in the overall interest of the elimination of terrorism. However, the convention should be wider in scope and should contain more direct provisions on the obligation of States not to provide safe haven to terrorists and to strictly adhere to the principle of extradite or prosecute, without subjecting extradition requests to the domestic law of the requested State. It was important that every accused should enjoy protection of human rights, in particular the guarantees of due process. Human rights, however, should not be invoked as grounds for refusing the extradition of the offender or for refusing legal assistance and judicial cooperation to the requesting State. Such an approach would dilute the principle of law that, in cases of terrorist activities and terrorist bombings, the plea of political offence as an exception to extradition did not apply. The convention should also apply to terrorist activities against private property and to the manufacture of bombs, irrespective of the substances used in their manufacture. In short, India

regretted that the draft convention had limited the scope mainly to public facilities and services, thereby providing for refusal on the grounds of human rights and subjecting extradition to the domestic laws of the requested State.

46. Upon completion of the elaboration of the convention, the Ad Hoc Committee should take up without delay the elaboration of another international convention against nuclear terrorism. His delegation awaited more details on the draft from the Russian Federation. With regard to the development of a comprehensive convention on international terrorism, India had already furnished to the United Nations a draft international convention on the suppression of terrorism (A/C.6/51/6), which could be the basis for negotiations.

47. India believed that, if necessary, additional resources should be allocated or alternative adjustments made within existing budget resources by according overriding priority to the subject. The item on international terrorism was going to be discussed in every session of the General Assembly and it should therefore be formally annualized.

48. With regard to the proposals for the reform of the United Nations presented by the Secretary-General, his delegation agreed that the fight against international terrorism and other international crimes should be treated as one of the priority areas in the medium-term plan for the period 1998-2000. It welcomed the appointment of Mr. Pino Arlacchi as Head of the Office at Vienna, which would focus on operational activities in the fight against terrorism. The Office should be supported with the necessary infrastructure, capacity-building and human resources which it currently lacked. However, the United Nations Headquarters in New York should continue to be the focus for the elaboration of measures against international terrorism.

49. **Mr. Mangindaan** (Indonesia) said that both the report of the Secretary-General (A/52/304) and that of the Working Group (A/C.6/52/L.3) provided a firm basis for substantive discussions on the item under consideration. There was a need to establish an effective legal regime to combat terrorism, which disturbed the peace and security of States and created new sources of conflict.

50. Indonesia had consistently condemned terrorism in all its forms and manifestations. For developing countries, terrorism was an attempt to undermine the stability of society through the destruction of physical and economic infrastructures; furthermore, terrorist activities were aided and abetted by irresponsible elements living outside the country.

51. Aware of the difficulty of establishing universal norms on international terrorism, his delegation, nevertheless, was of the view that there was a need for concerted international action in that field. Effective legal measures must be guided by generally accepted international norms in strict accordance with the provisions of the Charter of the United Nations.

52. In view of the alarming increase in terrorist acts, the Declaration on Measures to Eliminate International Terrorism emphasized the need to establish a comprehensive legal framework to address the question in all its aspects. Indonesia, which had already ratified a number of conventions on international terrorism and was in the process of ratifying other treaties on that question, considered that the discussions on the draft articles had been fruitful and was ready to cooperate fully in order to conclude an international convention on the suppression of terrorist bombings.

53. **Mr. Mirzaee Yengejeh** (Islamic Republic of Iran) said that the question of international terrorism had been on the agenda of the General Assembly for almost three decades. That demonstrated that the measures adopted to date had been insufficient for the total elimination of that scourge and that a comprehensive approach was required for that purpose. The new atmosphere in international relations in the post-cold-war period had made it possible for the General Assembly to adopt resolutions 49/60 and 51/210, which, in addition to unequivocally condemning terrorism in general, included some important elements that would help eradicate international terrorism, if they were faithfully implemented by all the members of the world community.

54. The false and unfounded allegations made for domestic political purposes or other motives certainly did not contribute to the elimination of terrorism. Inflammatory allegations should be avoided, and concerted, resolute and law-based measures should be carried out in an unbiased and universal manner.

55. Like many other States, the Islamic Republic of Iran had suffered from the effects of terrorism. Inspired by the noble teachings of Islam, his country had condemned and continued to condemn all terrorist activities committed by individuals, groups and States and was a party to a number of the conventions referred to in the report of the Secretary-General.

56. The draft articles contained in documents A/52/37 and A/C.6/52/L.3 were not yet perfect, and certain points required further attention, particularly with regard to draft article 3. His country believed that it would be prudent not to include such a provision in the draft convention; however,

if there was strong support for its inclusion, the following points should be carefully considered: (a) the non-use of force or threat of the use of force in international relations was an obligation of all Member States under the Charter; (b) Article 51 of the Charter recognized the right of self-defence, where the principles of "necessity" and "proportionality" were also applicable; and (c) the military forces of States acting in accordance with Chapter VII of the Charter were also under an obligation to observe the principles of international humanitarian law.

57. **Mr. Ayoub** (Iraq) said that his country had repeatedly condemned acts of terrorism, which were dealt with under its national legislation. There was a need to step up international cooperation in combating terrorism, regardless of its origin. Nevertheless, a distinction should be made between acts of terrorism and the right of peoples to self-determination, which was enshrined in the Charter of the United Nations; and terrorism should not be confused with the struggle against colonialism and foreign occupation. The definition of terrorism should include State terrorism, which was much more destructive. Furthermore, measures to combat terrorism should not in any way violate basic principles of human rights.

58. Iraq had actively participated in the discussions of the Working Group to draw up a draft international convention for the suppression of terrorist bombings, and, like other countries, had expressed reservations concerning some of the proposed provisions, particularly article 3, which did not precisely stipulate how cases of State terrorism were to be dealt with. The draft text, therefore, did not have a uniform approach to all forms of terrorism.

59. **Mr. Zmeevski** (Russian Federation) said that his country attached great importance to international cooperation in the fight against terrorism and commended the contribution made by the United Nations in that regard.

60. His delegation noted with satisfaction the report of the Secretary-General (A/52/304). The greater responsibility of the Secretariat's Crime Prevention and Criminal Justice Division with regard to anti-terrorism activities was in accordance with the reform proposals by the Secretary-General. It was appropriate for the Division to be entrusted with the legal aspects of the question, while the political aspects should be considered in New York, in the Security Council and the Sixth Committee, without losing sight of the financial aspects either.

61. The work of the Ad Hoc Committee would make it possible to fill in certain gaps in international law. The first results of that work were the draft international convention for the suppression of terrorist bombings, which was complete except for the drafting of article 3, on the activities of military forces in time of peace. It was hoped that a compromise solution could be reached at the current session, for which it would be necessary to include in draft article 1 a definition of "armed forces", as had been agreed at the first session of the Ad Hoc Committee. If that was not possible, the negotiations would have to continue at its next session. There was a need to prevent abuses with regard to the provisions of draft article 9 *ter* on the refusal to grant extradition and, particularly, the refusal to afford legal assistance, which could frustrate efforts to prosecute alleged terrorists. In any event, since the draft convention was the result of mutual concessions, the Russian Federation was prepared to accept it as a whole.

62. His country had submitted a draft international convention for the suppression of acts of nuclear terrorism and planned to distribute a text with comments on the draft text, article by article. In view of the very grave consequences such acts might have and the need for a mechanism capable of preventing them, the Russian Federation was prepared to incorporate all constructive proposals put forward by interested delegations.

63. More active use should be made of regional and subregional mechanisms in combating terrorism. In that regard, mention should be made of the 25 practical recommendations by the Group of Eight and the final documents of the Denver Summit, which provided for mechanisms to combat new forms of terrorism, such as the use of information systems or attacks against electronic communication infrastructures.

64. The Russian Federation was amending its national legislation in order to adapt it to international norms with regard to terrorism. The new Penal Code, which dealt with various terrorist acts, had entered into force on 1 January 1997. In addition, the Duma was considering a draft law on measures to combat terrorism. Among the practical measures taken, mention could be made of the presidential decree of 7 March 1997 on strengthening the fight against terrorism and the establishment of an inter-institutional commission to devise a general approach for dealing with the problem of terrorism. The Russian Federation was also considering the possible ratification of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, both of 10 March 1988, and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, of 1 March 1991.

65. **Mr. Briye** (Ethiopia) said that his country, which was a victim of international terrorism, attached great importance to all international measures aimed at fighting against terrorism. It was therefore an ardent supporter of the establishment of an international criminal court and had become a party to the most important international instruments designed to suppress terrorism.

66. The fight against terrorism transcended national and continental boundaries in a world in which violence had become a very common method for expressing all kinds of grievances. For that reason, and although considerable progress had been made in establishing rules of international law applicable to particular manifestations of terrorism, that pragmatic approach could not be a substitute for a more universal approach.

67. The draft international convention for the suppression of terrorist bombings would definitely be a step forward, although it was unfortunate that there were still some outstanding issues. The second, third, fourth and fifth preambular paragraphs of the draft articles prepared by the Working Group did not appear to be consistent with the subsequent preambular paragraphs and the operative body of the draft convention. In that regard, it might perhaps be more appropriate to select one of the measures provided for in General Assembly resolution 51/210.

68. With regard to article 2 of the draft convention, the terms "attempt" and "accomplice", which were probably defined differently in the various national legal systems, should be more clearly defined.

69. In recent years there had been an increase in the number of multinational terrorist groups that used parts of the territories of States over which the central Government lacked effective control to launch terrorist activities against other States. The draft convention should not apply to actions taken by Governments in exercise of their right of self-defence to destroy the bases of such groups.

70. The proposal in article 9 *ter* was only an indirect way of granting an exception on the grounds of a political offence. According to the approach taken in draft articles 4 and 9, terrorist acts were always criminal acts regardless of the political, religious or personal motivations behind them. Draft articles 7, 8 and 9, on extradition and mutual legal assistance among States, were the most important articles of the draft convention, since the lack of cooperation among States was the major factor that allowed terrorism to flourish.

71. He welcomed the efforts being made by the Crime Prevention and Criminal Justice Division to determine the links between transnational organized crime and terrorism, assist Governments in the organization of seminars and training courses on terrorism and disseminate information on new forms of terrorism. He hoped that such assistance would be further strengthened with a view to reaching all countries that needed it. He appreciated the readiness expressed by the Organization of African Unity to cooperate with the United Nations in organizing seminars and training courses, and looked forward to seeing that cooperation put into practice.

72. **Mr. Mubarak** (Egypt) said that terrorism, which took innocent lives and spread terror and chaos among the general public, was one of the main problems facing the international community. It was the product of an extremism which was not specific to any particular culture, religion or place; it was contrary to the values and principles which served as the norms of conduct for the international community.

73. In recent years, the Sixth Committee had adopted various measures to combat that phenomenon. With the Declaration on Measures to Eliminate International Terrorism of 1994, the international community had unequivocally condemned acts and practices of terrorism as criminal and unjustifiable acts which jeopardized the friendly relations among States and peoples and threatened the territorial integrity and security of States. The Declaration had reaffirmed the importance for States of upholding the purposes and principles of the Charter and refraining from instigating or assisting in the commission of such acts within their territories or in the territories of other States.

74. According to the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, financing and inciting terrorist acts were contrary to the purposes and principles of the Charter of the United Nations. The Declaration also stressed the negative effects of the sovereign right of States to grant political asylum to individuals who had committed such offences. Before granting asylum, States should ensure that the asylum-seeker had not participated in terrorist acts or had been charged with or convicted of such offences in another State. In addition, once refugee status had been granted, States should ensure that that status would not be used for the purpose of committing acts that could violate international law or the law in force in their territories.

75. In combating terrorism, the rights of peoples under foreign occupation, particularly the right to self-determination, should not be overlooked since doing so could give rise to feelings of desperation and frustration. All acts of terrorism, including the unjustifiable acts of the

occupying authorities against the peoples of an occupied territory, constituted a serious violation of the purposes and principles of the Charter of the United Nations, human rights and fundamental freedoms, and, in some cases, threatened international peace and security.

76. Concerning the draft international convention for the suppression of terrorist bombings, he endorsed the Ad Hoc Committee's view that the convention should apply to public and private places. Although he endorsed draft article 2 *bis*, it added two new elements: that the alleged offender was a national of the State in which the act was committed, and that no other State had jurisdiction over him. Those two elements could cause conflicts of jurisdiction between the State in which the offences were committed and another State. Therefore, wording similar to that used in previous conventions should be used.

77. His delegation would have preferred the deletion of draft article 3 on the activities of military forces of a State. However, it did not wish to undermine the efforts being made by some delegations to find wording that was acceptable and balanced. In any case, it was not necessary to include a specific definition of the military forces of a State in the convention.

78. The principle of mutual legal assistance and exchange of information between States was crucial to the effective implementation of any agreement concerning terrorism. However, the convention applied a double standard in that regard, since draft article 9 *bis* laid down the principles relating to mutual assistance, and specific cases where the convention would not apply whereas article 9 *ter* stipulated that that principle would not be applicable if the requested State Party had substantial grounds for believing that the request for extradition had been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion. In the text it would be preferable simply to prohibit the extradition of the accused while ensuring that he would be tried in another State; however, that solution should not preclude the exchange of information.

79. The international community should cooperate and mobilize all possible resources in order to combat and eradicate terrorism. For its part, Egypt would spare no effort to continue working closely with other States in order to achieve that noble goal. It believed that the draft convention, together with other instruments relating to terrorism, would provide a solid basis for studying and combating that phenomenon.

80. **Mr. García-Cerezo** (Spain) said that his delegation supported the statement made on the subject by the representative of the Netherlands on behalf of the European Union and wished to make a few additional comments that were of particular interest to his country.

81. Spain condemned in the strongest possible terms terrorism in all its forms and manifestations. The Spanish Government devoted a great deal of effort to combating international terrorism and considered that cooperation among countries was essential to the fight against that scourge. Evidence of that was the large number of international agreements in that field to which Spain was party, as indicated in document A/52/304.

82. His delegation had participated actively in the negotiations aimed at the elaboration of an international convention for the suppression of terrorist bombings and, while it would have preferred a convention of wider scope, it was willing to accept in a spirit of compromise the text which had been submitted to the Sixth Committee by the Working Group. He hoped that outstanding issues would be resolved as early as possible, since the adoption of the convention would mark a significant step forward in the fight against terrorism.

83. Spain supported the proposal to consolidate in Vienna United Nations activities against crime, drugs and terrorism. The centre to be established must coordinate cooperation activities in the fight against terrorism and enhance their effectiveness, while at the same time emphasizing their links to other activities of organized crime and drug trafficking.

84. **Mr. Al-Saidi** (Kuwait) said that the closing years of the twentieth century had witnessed a resurgence of terrorism, a multifarious phenomenon of which the world had always been aware but which had recently assumed greater proportions and increased the number of its victims. Terrorism was a crime against humanity which, whatever its causes, must be condemned and rejected. It was necessary to put an end to the phenomenon through international cooperation and the adoption of measures such as those provided for in General Assembly resolutions 49/60, of 9 December 1994, and 51/210, of 17 December 1996, which provided for the establishment of an Ad Hoc Committee to elaborate an international convention for the suppression of terrorist bombings. His delegation had reviewed the draft text contained in document A/C.6/52/L.3 and hoped that final agreement could be reached on the text.

85. In the view of his delegation, the report of the Secretary-General (A/52/304) would make a valuable contribution to the negotiations on the subject, thanks to the information provided by Member States and international organizations. The United Nations had entrusted the Ad Hoc Committee with the important task of, *inter alia*,

encouraging States to accede to international and regional agreements in the field; filling legal gaps by adopting agreements that covered aspects which had not yet been considered; clearly defining terrorism, avoiding any confusion between terrorist acts and acts of self-defence and the struggle of peoples for self-determination; and upholding the principle of non-interference in the internal affairs of States, respect for the sovereignty and territorial integrity of States, and the obligation to refrain from organizing, encouraging, abetting or financing any activity of a terrorist nature. Kuwait, which had acceded to most of the important agreements in that field and was completing the formalities to become a party to the others, condemned terrorism in all its forms, but made a clear distinction between terrorism and the struggle of peoples for self-determination.

86. Kuwait rejected terrorism in all its manifestations, including State terrorism, an evil it had itself suffered during the invasion by Iraq, which during a seven-month period had committed the most odious crimes against the Kuwaiti people, destroyed State property and polluted the environment. His delegation wished to recall that the Iraqi regime still held 600 prisoners of war and, in defiance of the international community, had reneged on the commitment it had given to provide information on the fate of the detainees, as provided for in paragraph 30 of Security Council resolution 687 (1991).

87. **Mr. Akbar** (Pakistan) said that, parallel to the work of the Sixth Committee, consultations were being held in a number of capitals on article 3 of the draft international convention for the suppression of terrorist bombings. He wished to know what was the status of those consultations, who had authorized them, who the participants were, who would submit the corresponding report and to whom, and what would the Chairman do when the resulting text was submitted to the Sixth Committee. He also sought guarantees that the text would not be inserted as article 3 of annex 1 to the report of the Working Group, which was currently blank. It appeared as though article 3 was the only pending matter in the debate, which was not the case, and he wished to know when some time would be set aside in the programme of work to discuss any text that might be proposed as well as other pending issues.

88. **The Chairman** suggested that the replies to the questions asked should be deferred to the afternoon meeting in order to keep to the agenda of the current meeting.

89. **Mr. Mirzaee Yengejeh** (Islamic Republic of Iran) said that, without prejudice to their usefulness, it would be premature to hold informal consultations on outstanding issues related to the draft convention when the opinions of some delegations were still not known. He urged that there should be transparency in the debate.

90. **The Chairman** said that neither official nor informal consultations had been held because the corresponding decision had not been taken. Some delegations had exchanged views about drafting a text and submitting it to the Sixth Committee. If a text were submitted, no delegation would be denied the right to express its opinion.

91. **Ms. Gao Yanping** (China) said that the question raised by the representatives of Pakistan and the Islamic Republic of Iran was very important because the debate was at a critical stage. There was a mistaken impression that the Working Group had overcome all the hurdles except that of article 3, but there were other outstanding issues that were equally important. The questions of the representative of Pakistan deserved a timely response.

92. **The Chairman** repeated that he would prefer to leave the replies to the afternoon meeting.

Agenda item 155: Amendment to article 13 of the statute of the United Nations Administrative Tribunal *(continued)* (A/C.6/52/L.11)

93. **The Chairman** introduced draft resolution A/C.6/52/L.11 and suggested that, in paragraphs 1 (a) and (b) of the English text, the word "would" should be replaced by "shall". The corresponding versions in Spanish would therefore read as follows: "(a) Se insertarán los nuevos párafos 1, 2, y 4 siguientes:" and "(b) El antiguo artículo 13 pasará a ser el párafo 3 del artículo 13". He now wished to put to a vote the draft resolution contained in document A/C.6/52/L.11, as orally revised. If he heard no objections, he would take it that the Committee wished to adopt the draft resolution without a vote.

94. *Draft resolution A/C.6/52/L.11, as orally revised, was adopted without a vote.*

The meeting rose at 1.10 p.m.